

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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TAUBERT ELECTRIC MOTORS, LLC,

Plaintiff,

-against-

LIBERTY MUTUAL INSURANCE COMPANY and
OHIO SECURITY INSURANCE COMPANY,

Defendants.
-----x

Civil Action No.:
6:23-cv-01271-DNH-ATB

**STIPULATION OF
DISMISSAL AS TO
LIBERTY MUTUAL
INSURANCE COMPANY
ONLY AND EXTENDING
TIME FOR OHIO SECURITY
INSURANCE COMPANY TO
RESPOND TO COMPLAINT**

WHEREAS, plaintiff TAUBERT ELECTRIC MOTORS, LLC (“Plaintiff”) commenced the above-captioned action against LIBERTY MUTUAL INSURANCE COMPANY (“Liberty Mutual”) and OHIO SECURITY INSURANCE COMPANY (“Ohio Security”) in the Supreme Court, State of New York, County of Herkimer (the “Action”), which Action was removed to this Court; and

WHEREAS, the Action seeks recovery of allegedly unpaid insurance benefits under a Commercial Property insurance policy, no. BKS (22) 58 09 84 30, with a policy period from June 23, 2021 to June 23, 2022, issued by Ohio Security to Plaintiff as Named Insured (the “Policy”); and

WHEREAS, counsel for defendants has produced to Plaintiff’s counsel a copy of the declaration pages of the Policy, expressly stating that coverage is provided by Ohio Security, thereby showing that the obligated insurer is Ohio Security and not Liberty Mutual;

IT IS HEREBY STIPULATED AND AGREED, by and between all parties hereto, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), that the above-captioned Action shall be, and hereby is, dismissed as to defendant LIBERTY MUTUAL INSURANCE COMPANY, with

prejudice and without costs to any party. The foregoing shall not affect defendant OHIO SECURITY INSURANCE COMPANY (“Ohio Security”), against whom this Action continues.

IT IS FURTHER STIPULATED AND AGREED, that defendant Ohio Security’s time to respond to the Complaint shall be extended until and including November 20, 2023, and that said defendant waives defenses based upon lack of personal jurisdiction and service of process.

Dated: Utica, New York
October 18, 2023

DETRAGLIA LAW OFFICE

JAFFE & ASHER LLP

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COMPANY and OHIO SECURITY
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SO ORDERED:

Hon. Andrew T. Baxter, U.S.M.J.